

CONSENT ORDER

COMES NOW the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers (the “Board”) and Respondent, Marsha Hoffman (“Ms. Hoffman” or “Respondent”) state as follows:

FINDINGS OF FACT

1. June 30, 2023 was the deadline for Architects to submit the necessary information required to renew their License to practice Architecture in the State of Oklahoma issued by the Board.
2. Respondent renewed her Architecture license through the Board’s online portal, and attested incorrectly that she had complied with the necessary requirements, including obtaining 24 CEU’s of acceptable continuing education.
3. Pursuant to an Audit conducted by the Board, it was determined that at the time Ms. Hoffman renewed her Oklahoma Architect license, Ms. Hoffman had only acquired 14 of the 24 hours of continuing education for the renewal period.
4. Respondent violated the Board’s Rules, at OAC 55:10-17-4(a) and 55:10-15-2(11) for failing to obtain the required CEU’s prior to renewing her Oklahoma Architect License.

CONCLUSIONS OF LAW

1. The Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma has jurisdiction of this case pursuant to:
 - a. Oklahoma State Architectural and Registered Commercial Interior Designers Act, 59 Okla. Stat. §46.1 et. seq. (the “Act”).
 - b. Rules of the Board as recorded in the Oklahoma Administrative Code 55:10-1-1 (the “Rules”).
2. The Act, at 59 Okla. Stat. § 46.7, states:

[T]he Board shall have the power and duty to... [p]romulgate rules of conduct governing the practice of licensed architects and landscape architects.

3. The Rules, at OAC 55:10-9-6(a) provides that “[a]ll Licenses and Registrations must be renewed biennially.”

4. The Rules, at OAC 55:10-17-4(a) provides that:

In order to renew a license or registration, which expires on June 30, every odd year, each Architect, Landscape Architect and Registered Commercial Interior Designer shall attest, as prescribed by the Board, that they have completed 24 CEU’s of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date as a condition of renewal.

5. The Rules, at OAC 55:10-15-2(11), provide that the “nonpayment of fees, penalties, failure to complete continuing education requirements, when applicable,” constitutes “grounds for probation, denial, revocation, suspension, refusal to renew, orders, injunctions, civil and/or criminal penalties.”

6. Pursuant to 59 Okla. Stat. § 46.7, in addition to the other powers and duties imposed by law, the Board shall have the power and duty to:

- (13) Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and Registered Commercial Interior Designers Act or any rule promulgated thereto;
- (15) Initiate disciplinary action, prosecute and seek injunctions against any person or entity who has violated any of the provisions of the State Architectural and Registered Commercial Interior Designers Act or any rule of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;
- (16) Investigate alleged violations of the State Architectural and Registered Commercial Interior Designers Act or of the rules, orders or final decisions of the Board.
- (21) Adopt rules providing for a program of continuing education in order to ensure that all licensed architects or landscape architects and registered commercial interior designers remain informed of those technical and professional subjects

that the Board deems appropriate. The Board may by rule describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in the nonrenewal of the license issued to the architect or landscape architect or nonrenewal of the registration issued to the registered commercial interior designer.

7. The Rules of the Board, recorded in the Oklahoma Administrative Code, at OAC 55:10-15-1, provides as follows:

Prima facie evidence. *Prima facie* evidence shall be construed or attempting to construe to practice, perform or offer architecture, landscape architecture or services as a Registered Commercial Interior Designer within the meaning and intent of the Act by display or verbal claim, sign, advertisement, contract, card, or other printed, engraved, or written instrument or device, or by electronic means bearing an individual's or entities name or in any other way represent to be licensed or registered under the Act. *Prima facie* evidence is also defined as an individual or Entity representing as able to contract, offer, perform services or use the restricted titles defined under the Act as requiring a License, Registration, Certificate of Authority, or a Certificate of Title. Any such action noted by this section shall be sufficient to justify an injunction or any other order of a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures in addition to the injunction or other such orders issued.

8. Respondent was properly notified of the potential violation and acknowledged her right to counsel (and, in fact, obtained counsel prior to executing this order).

9. The Findings of Fact stipulated to by Respondent, if proven, constitutes a violation of the State Architectural and Registered Commercial Interior Designers Act and the Rules of the Board as recorded in the Oklahoma Administrative Code 55:10, pertaining to the professional practice of architecture and registered interior design upon which the Board may take disciplinary action against Respondent.

10. While maintaining that she did not make any intentional misrepresentation, Respondent admits that her conduct constitutes a violation of the State Architectural and

Registered Commercial Interior Designers Act and the Rules of the Board as recorded in the Oklahoma Administrative Code 55:10 and, in lieu of a proceeding of a formal disciplinary action, hereby agrees that the Board may enter a final order against her as set forth below.

11. Pursuant to Oklahoma Administrative Code 55:10-15-9(4), the Secretary-Treasurer has the authority to seek informal resolution of matters referred to the Board.

12. Pursuant to Oklahoma Administrative Code 55:10-15-10, the Secretary-Treasurer submits the following Consent Order to the Board for approval of the informal resolution and final disposition of this matter.

CONSENT

Respondent, by affixing her signature hereto, acknowledges that:

1. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a final decision based upon it is rendered by the Board.
2. Respondent has sought the advice of counsel prior to signing this Consent Order, and
3. Respondent acknowledges that she has the following rights, among others:
 - a. The right to a formal fact-finding hearing before the Board;
 - b. The right to reasonable notice of said hearing;
 - c. The right to compel the testimony of witnesses;
 - d. The right to cross-examine witnesses against themselves;
 - e. The right to obtain judicial review of the Board's decisions; and,
 - f. The right to counsel.
4. Respondent waives her other rights to a formal hearing as set forth above in paragraph three (3).
5. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board members, Board Staff and Board Counsel. These discussions may include the Board's review of any and all previously enumerated exhibits or referenced project materials. Respondent understands that these discussions will take place at the Board's next regularly scheduled meeting in Oklahoma City, Oklahoma. Respondent understands she has the right to be present when this matter is discussed, but hereby waives that right.

6. Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the final decision of the Board incorporating said Consent Order.

8. This Consent Order contains the entire agreement between the parties. Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

9. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

10. This Consent Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Consent Order may not be altered, amended, modified, supplemented or otherwise changed except by a writing executed by an authorized representative of each of the parties.

11. Respondent consents to the entry of this Consent Order.

ORDER

In accordance with the foregoing findings of facts and conclusions of law, and the agreement and consent of the Respondents IT IS THEREFORE ORDERED:

12. Respondent is REPRIMANDED by the Board for her actions in for failing to obtain the necessary CEU's prior to renewing Respondent's Oklahoma Architect License.

13. Respondent is assessed a civil penalty in the amount of one thousand, five-hundred dollars (\$1,500.00), which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 Okla. Stat. § 24-A.1 through 24-A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection, publication, and copying upon request, and may make any use it deems appropriate of the contents of this Consent Order, which shall include the Board's ability to share the content of this Consent Order with any state or federal governmental or professional board or organization, publication of a summary in the Board newsletter, posting on the Board website, reporting to state and national databanks, including databanks maintained by associations to which the Board is a member.

MARSHA HOFFMAN

Signature: Marsha K Hoffmann

Date: 3.11.2024

CERTIFICATION OF BOARD ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers and the State of Oklahoma for the alleged violations of the State Architectural and Registered Commercial Interior Designers Act and the Rules of the Board as recorded in the Oklahoma Administrative Code 55:10.

Dated this 2nd day of April 2024.



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ORDER OF THE BOARD

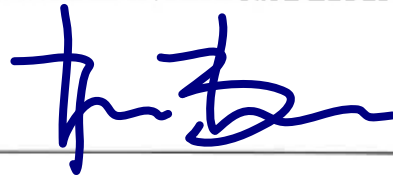
NOW on this Third day of April, 2024, Respondent has agreed voluntarily, with knowledge of her rights under law, to the entrance of this Consent Order for his purported actions which, if proven, violate the State Architectural and Registered Commercial Interior Designers Act as defined in 59 Okla. Stat. § 46.1 et. seq., and the Rules of the Board recorded in the Oklahoma Administrative Code (OAC) 55:10-1-1 et. seq. It further appears that the foregoing Consent Order is just and equitable in order to safeguard life, health, and property, and to promote the public welfare in the State of Oklahoma.

IT IS THEREFORE ORDERED that the Respondent's stipulation to the alleged violation of the State Architectural and Registered Commercial Interior Designers Act as defined in 59 Okla. Stat. § 46.1 et. seq., and the Rules of the Board recorded in the Oklahoma Administrative Code (OAC) 55:10-1-1 et. seq., are accepted, and the above Consent Order incorporated herein shall be the order of the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers.

Dated this Third day of April, 2024.

OKLAHOMA BOARD OF GOVERNORS OF
LICENSED ARCHITECTS, LANDSCAPE
ARCHITECTS AND REGISTERED
COMMERCIAL INTERIOR DESIGNERS

By: _____



Name: Nathan Baker, Chair